

U.S. Patent Application Serial No. 10/527,090
Response filed August 13, 2007
Reply to OA dated March 5, 2007

REMARKS

Claims 1-3, 5-9, 11-21, and 23-36 are pending in this application. The present amendment cancels claims 3, 9, 15, 16 and 21 without prejudice or disclaimer, and amends claims 1, 7, 11, 13, 19, 23, 25, 26, 28, 29, 31, 32, 34 and 35. Upon entry of this amendment, claims 1, 2, 5-8, 11-14, 17-20, and 23-36 will be pending.

Applicant respectfully submits that no new matter has been added. It is believed that this Amendment is fully responsive to the Office Action dated **February 8, 2006**.

Support for the amendments to the existing claims is detailed below.

The drawings submitted on 3/10/2005 are objected to. (Office action page 2)

The Examiner objects to the original drawings because they recite nucleic acid and protein sequences without appropriate SEQ ID NOs.

The drawings have been amended to indicate the corresponding gene sequences. Fig. 3 corresponds to bases 1-669 of SEQ ID NO: 2, Fig. 4 corresponds to bases 1-1287 of SEQ ID NO: 2, and Fig. 5 corresponds to bases 1288-2393 of SEQ ID NO: 2.

Claims 1-3, 6-9, 11-16, 19-21, and 23-36 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. (Office action page 3)

U.S. Patent Application Serial No. 10/527,090
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The rejection is overcome by the clarifying amendments to the claims.

1) The Examiner states that the metes and bounds of the term "structural gene" are not clear.

In claim 1, the term "structural gene of transglutaminase" has been replaced by "gene encoding transglutaminase." Applicant submits that the term "structural" was redundant, and that no new matter is added by this amendment.

2) The Examiner refers to the phrase "a terminator acting on the structural gene." In the amendments, this phrase has been replaced by "a terminator serving to terminate transcription of the gene." Applicant submits that it is well known that terminators serve to terminate transcription, and that it is clear from the specification and the original claim language that the recited terminator is serving to terminate transcription of the recited gene encoding transglutaminase.

3) The Examiner refers to the recitation "which are externally introduced," stating that it is unclear how a transformant is made by separately introducing structural gene, promoter or terminator sequence. In the amendments, the phrase "which are externally introduced" has been deleted. This phrase had referred to the fact that the claim recites a transformant having gene sequences not present in the wild type *Streptomyces mobaraensis*, and deletion of the phrase does not change the scope of the claim.

Previous rejection of Claims 13-14, 16, 18-19, 20, 23-24 and 31-36 under 35 U.S.C. 102(e) as being anticipated by Taguchi et al. (WO 01/29187 A1, "Process for producing

U.S. Patent Application Serial No. 10/527,090
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microorganism-origin transglutaminase", Ajinomoto Co., Inc., see IDS) is maintained. (Office action page 4)

Previous rejection of Claims 1-2, 6-8, 11, 12 and 25-30 under 35 U.S.C. 103(a) as being unpatentable over Taguchi et al. (WO 01/29187 A1, "Process for producing microorganism-origin transglutaminase", Ajinomoto Co., Inc., see IDS) is maintained. (Office action page 7)

Reconsideration of these rejections is respectfully requested in view of the amendments to the claims. Claims 1, 7, 11, 13, 19, 23, 25, 26, 28, 29, 31, 32, 34, and 35 have been amended to incorporate the limitation of claim 3: "wherein the terminator is a terminator of transglutaminase isolated from *Streptomyces mobaraensis*."

Applicant notes that claim 3 was not rejected under 35 U.S.C. 102 or 103(a), and submits that the references do not suggest the combination of limitations of the amended claims.

Claim 5 is allowed. Claim 21 is objected to as dependent on a rejected claim.

Applicant has not amended claim 5. Claim 21 has been canceled without prejudice or disclaimer. Applicant also notes that no rejection was stated in the last Office action for claim 17, although this claim was listed in the Office action summary and on page 9 of the Office action as being rejected. Allowance of claims 5 and 17 is respectfully requested.

U.S. Patent Application Serial No. **10/527,090**
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If, for any reason, it is felt that this application is not now in condition for allowance, the Examiner is requested to contact the Applicant's undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case.

In the event that this paper is not timely filed, the Applicant respectfully petitions for an appropriate extension of time. Please charge any fees for such an extension of time and any other fees which may be due with respect to this paper, to Deposit Account No. 01-2340.

Respectfully submitted,

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PATENT TRADEMARK OFFICE

Attachments: Replacement drawing sheets for Figures 3, 4 and 5

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